

**EXHIBIT B**

**CONDITIONS OF APPROVAL FOR VESTING TENTATIVE PARCEL MAP CO12-0002/  
SUB2011-00028 (GULDEMAN)**

**Approved Project**

1. A Vesting Tentative Parcel Map (CO12-0002) to subdivide an existing 5.27 acre parcel into three parcels ranging in size from 1.02 to 3.0 acres for the purpose of sale and/or development. The proposal involves a modification to the design standards of Section 21.03.010 of the Real Property Division Ordinance (RPDO) for proposed Parcel 3 regarding the average depth to width ratio of a parcel. Proposed Parcel 3 will have a depth to width ratio of 5.8 to 1; however, due to the parcel being on the edge of the Nipomo Mesa, approximately 600 feet of the parcel will be placed in open space to protect the bluff edge which limits the developable area to a ratio of 2.5 to 1. The proposal also includes an adjustment to Section 21.03.010 of the RPDO pertaining to undergrounding of utilities along Mesa View Drive (Highway 1). Parcel 1 and 2 shall have a net area of 1.0 acre or greater. Parcel 3 may (in its final configuration) be less than 3.0 acres gross so long as the average slope is less than 30% with net acreage equaling at least 2.0 acres.

**Access and Improvements**

2. Road and/or streets to be constructed to the following standards, unless design exceptions for Corte de Mayo are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards. Improvements to Mesa View Drive (SR1) shall be constructed to State standards unless design exceptions are approved by Caltrans:
  - a. Mesa View Drive (State Route 1) shall be widened to complete the project frontage in accordance with Caltrans Encroachment Permit Standards, within the necessary dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism. The design shall be approved concurrently by County Public Works and Caltrans.
  - b. The intersection of Mesa View Drive (SR1) and Corte de Mayo, as shown on the tentative map, shall be designed and constructed in accordance with Caltrans Encroachment Permit Standards for Public Road Intersections (California Highway Design Manual Figure 405.7), within necessary dedicated right-of-way. The design shall be approved concurrently by County Public Works and Caltrans. To improve north facing sight distance, the encroachment permit may require the applicant to trim plant foliage on the west side near the horizontal curve on SR 1.
  - c. A new onsite access road parallel to Corte de Mayo shall be constructed to Cal Fire Standards within a minimum 24-foot private access and utility easement with additional easement width as necessary to contain all elements of the roadway prism. The access road shall terminate in a Cal Fire standard cul-de-sac or other approved terminus.

**Offers, Easements and Restrictions**

3. The applicant shall offer for dedication the following right-of-way easements by certificate on the map or by separate document:

- a. For road widening purposes a variable offer along Mesa View Drive (State Route 1) of sufficient width to contain all elements of the roadway prism.
- b. A tapered and radius right-of-way at the intersection of Mesa View Drive and Corte de Mayo in accordance with California Highway Design Manual Figure 405.7.
- c. Except at Corte de Mayo, access shall be denied along the project frontage to Mesa View Drive (State Route 1) and this shall be by certificate and designation on the map.
- d. The drainage basin along with rights of ingress and egress shall be reserved as a drainage easement in favor of the owners and assigns. All drainage basin easements shall be indicated as a building restriction.

### **Improvement Plans**

4. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include, as applicable:
  - a. Street plan and profile.
  - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
  - c. Water plan to be approved jointly with County Environmental Health.
  - d. Sewer plan to be approved jointly with County Environmental Health.
  - e. Grading and erosion control plan for subdivision related improvement locations.
  - f. Public utility plan, showing all existing utilities and installation of all new utilities to serve each lot.
5. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
6. The Registered Civil Engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

### **Drainage**

7. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be retained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basin/s is/are to be maintained in perpetuity.

8. The project is located near the edge of the Nipomo mesa, all site grading and drainage shall be designed and constructed in accordance with County Code, Section 22.112.020B.
9. The project site may be subject to potential flooding within undrained depressions. If required per County Code, Section 22.112.040A2a, prepare a detailed flood analysis for review and approval by Public Works to delineate the extent of the flood hazard and identify the areas suitable for building.
10. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

#### **Stormwater Pollution Prevention**

11. The applicant shall submit a Stormwater management plan together with a draft "Standard Private Stormwater Conveyance Management and Maintenance System Agreement" for review and approval by the County.
12. The applicant shall record with the County Clerk a "Standard Private Stormwater Conveyance Management and Maintenance System Agreement" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

#### **Utilities**

13. All existing overhead electric power, telephone and cable television transmission and distribution lines fronting or contained within the project site boundaries shall be relocated underground [21.03.10(h)] and the poles removed.
14. All new electric power, telephone and cable television services shall be completed to each new parcel and ready for service. Applicant responsibilities for electric service and distribution line extensions (facilities and equipment) are detailed in PG&E Electric Rule No.15 and Rule No.16, respectively.
15. **Prior to final map recordation**, electric, telephone, and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.
16. New gas distribution mains shall be installed along the entire project frontage(s) and gas service laterals shall be stubbed to each new parcel unless otherwise directed by the gas purveyor.

#### **Design**

17. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

#### **Fire Protection**

18. The applicant shall obtain a fire safety clearance letter from CalFire establishing fire safety requirements prior to filing the final parcel or tract map.

### **Parks and Recreation (Quimby) Fees**

19. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

### **Inclusionary Housing**

20. **Prior to filing the final parcel map or tract map**, the applicant shall enter into an inclusionary housing agreement to ensure the construction of inclusionary housing unit(s), in conformance with Section 22.12.080. As an alternative, the applicant may pay the residential in-lieu fee pursuant to Section 22.12.080.C.2.b, or defer in-lieu fee payment pursuant to Section 22.12.080.J.4.c.

### **Mitigations**

21. **Prior to approval of subdivision improvement plans**, the applicant shall show all oak trees within 50 feet of ground disturbing activities. All oak trees removed shall be replaced at a 4:1 ratio, impacted trees shall be replaced at a 2:1 ratio.
22. **At the time of application for subdivision improvement plans and/or construction permits**, if possible, to avoid potential impacts to nesting birds, tree removal associated with project activities shall be limited outside the bird nesting season, which is February 15th to September 15th. However, if tree removal is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist, retained by the applicant, in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance and in consultation with CDFW and/or USFWS. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.
23. **Prior to recordation of the final map**, the applicant shall enter into an open space agreement for the portion of Parcel 3 from the top edge of the bluff to the western property line at the bottom of the bluff in the Arroyo Grande Valley.
24. **Prior to issuance of construction permits/subdivision public improvement plans**, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:
- a. List of personnel involved in the monitoring activities;
  - b. Description of how the monitoring shall occur;
  - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
  - d. Description of what resources are expected to be encountered;
  - e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
  - f. Description of procedures for halting work on the site and notification procedures;
  - g. Description of monitoring reporting procedures.

25. **During initial ground disturbing construction activities**, the applicant shall retain a qualified archaeologist approved by the Environmental Coordinator to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.
26. **Upon completion of all monitoring/mitigation activities, and prior to final acceptance of subdivision public improvements or prior to occupancy or final inspection (whichever occurs first) (as applicable)**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.
27. **Prior to approval of subdivision improvement plans**, plans shall show an offer of dedication for a 25-foot wide easement for trail purposes along the property frontage on Mesa View Drive (Highway 1).

#### **Additional Map Sheet**

28. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

##### *Site Development*

- a. If a fenced drainage basin is required, that the owner(s) of lot(s) 1 through 3 are responsible for on-going maintenance of drainage basin fencing, in perpetuity.
- b. If a drainage basin is required, that the owner(s) of lot(s) 1 through 3 are responsible for on-going maintenance of drainage basin/adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
- c. The project is located near the edge of the Nipomo mesa, all lot grading and drainage shall be done in accordance with Section 22. 22.98.070B of the Land Use Ordinance.
- d. In accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the South County Area 2 Road Improvement Fees for each future building permit in the amount prevailing at the time of payment.
- e. Notification to prospective buyers that all private access roads within the subdivision are to be privately maintained, indicating the proposed maintenance mechanism.

##### *Agricultural Resources*

- f. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- g. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- h. An agricultural buffer prohibiting residential structures, 500 feet from the western property line (at the bottom of the mesa) of Parcel 3. No structures used for human habitation shall be constructed in the buffer area. The agricultural buffer shall no longer be in effect if the adjacent agricultural use is discontinued and the adjacent property is no longer in the Agriculture land use category. Such a determination shall be made in consultation with the Agricultural department. **At**

**the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.

- i. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.

*Aesthetics*

- j. **At the time of application for construction permits for Parcel 3**, the applicant shall show all trees within 50 feet of ground disturbance and indicate which trees will be removed and which trees will remain. The applicant shall maintain the existing vegetation along the edge of the bluff to the maximum extent possible to provide screening from Halcyon and Highway One (Arroyo Grande Valley).
- k. If vegetation removal is necessary on Parcel 3, **prior to issuance of construction permits**, the applicant shall show the location, size and species of additional planting to be provided to maintain a minimum of 50% screening of structures as seen from Halcyon Road and Highway 1 (Arroyo Grande Valley).
- l. **At the time of application for construction permits**, the applicant shall submit an Exterior Lighting Plan for County review and approval. The Plan shall define the height, location, and intensity of all exterior lighting. All lighting fixtures shall be positioned "down and into" the development, and shielded so that neither the lamp nor the related reflector interior surface is visible from surrounding properties. All lighting poles, fixtures, and hoods shall be dark colored. These measures shall be shown on applicable construction drawings **prior to issuance of construction permits** and permanent lighting shall be installed **prior to final inspection**.

*Air Quality*

- m. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, the APCD's Enforcement Division may be contacted (805/781-5912).
- n. **Fugitive PM<sub>10</sub> Mitigation Measures** (All required PM<sub>10</sub> measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD **prior to construction/ grading permit issuance**)
  - 1. Reduce the amount of the disturbed area where possible;
  - 2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
  - 3. All dirt stock-pile areas should be sprayed daily as needed;
  - 4. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or [soil binders](#) are used.
- o. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per

hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. **Prior to construction permit issuance**, such devices shall be shown on all applicable plans, and installed as approved by the County.

*Biological Resources*

- p. **At the time of application for construction permits**, if possible, to avoid potential impacts to nesting birds, tree removal associated with project activities shall be limited outside the bird nesting season, which is February 15th to September 15th. However, if tree removal is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist, retained by the applicant, in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance and in consultation with CDFW and/or USFWS. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

*Cultural Resources*

- q. **Prior to issuance of construction permits/subdivision public improvement plans**, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:
1. List of personnel involved in the monitoring activities;
  2. Description of how the monitoring shall occur;
  3. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
  4. Description of what resources are expected to be encountered;
  5. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
  6. Description of procedures for halting work on the site and notification procedures;
  7. Description of monitoring reporting procedures.
- r. **During initial ground disturbing construction activities**, the applicant shall retain a qualified archaeologist approved by the Environmental Coordinator to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.
- s. **Upon completion of all monitoring/mitigation activities, and prior to final acceptance of subdivision public improvements or prior to occupancy or final inspection (whichever occurs first) (as applicable)**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

*Noise*

- t. **At the time of application for construction permits for Parcel 1**, plans shall show a minimum front setback of 29 feet from the centerline of Mesa View Drive in order to avoid the 70db noise contour line.
- u. **At the time of application for construction permits for Parcel 1**, the applicant shall show on the construction plans the following for noise mitigation:

1. air conditioning or a mechanical ventilation system,
  2. windows and sliding glass doors mounted in low air infiltration rate frames, and
  3. solid core exterior doors with perimeter weather stripping and threshold shields.
- v. **At the time of application for construction permits for Parcel 1**, the applicant shall show outdoor activity areas for new residential construction that is located between the noise source (Mesa View Drive) so the residence can act as a sound barrier. If the outdoor activity area cannot be located in this manner, a sound wall or landscaping berm shall be constructed that is of sufficient height that it interrupts the line-of-sight between the noise source and outdoor activity area. The design and materials used for the sound wall or berm shall be reviewed and approved by the Planning and Building Department prior to issuance of construction permits and shall include natural materials and colors.

*Water*

- w. **At the time of application for construction permits**, the applicant shall pay a supplemental water development fee for dwelling unit equivalent similar to that required by County Ordinance for properties located within the Nipomo Mesa Water Conservation Area.
- x. **At the time of application for construction permits**, if the County's supplemental water fee is not adopted and if the Level of Severity III still exists for water resources within the Nipomo Mesa Water Conservation Area, the applicant shall enter into an agreement with the County that the applicant will provide retrofitting within the Nipomo Mesa Water Conservation Area boundary to off-set the additional water usage generated by new development on the parcels. This equates to 0.3325 afy for each parcel (0.6650 afy overall estimated total/2 parcels). These offsets can be achieved through plumbing retrofits, participation in a turf removal incentive program or participation in an approved program or project administered by the Nipomo Community Services District. Evidence of retrofitting and the estimated amount of water saved through retrofits will be required **prior to permit issuance**.
- y. In order to decrease water demand, **at the time of application for construction permits**, the applicant shall provide the following on the project plans:
1. Plans shall incorporate all feasible low impact design (LID) features.
  2. The maximum amount of turf (lawn) area shall not exceed 20% of the site's total irrigated landscape area.
  3. Landscaping plans shall include low water using, drought tolerant plant species, preferably plants native to the region.
  4. Each parcel's total landscaped area shall not exceed 1,500 square feet.
- z. For the life of the project, as long as a Level of Severity III exists for water resources within the Nipomo Mesa Water Conservation Area, the applicant shall adhere to the following water waste prevention activities:
1. Application of water to outdoor landscapes in a manner that results in runoff into non-irrigated areas, public and private walkways, roadways, parking lots, structures or other hard surface areas.
  2. Use of a hose to wash an automobile or other vehicle except where the hose is fitted with an automatic shut off nozzle or device attached to it that causes it to cease dispensing water when not in use.
  3. Application of water to hard surfaces, including but not limited to, driveways, sidewalks, unpaved walkways and any other hard surface areas.
  4. Use of potable water in a fountain or other decorative water feature unless such water flows through a recirculating system
  5. Application of water to outdoor landscape more than 3 times per week.



**Covenants, Conditions and Restrictions**

29. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval, and shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning & Building, and in conformance with the requirements of the State Department of Real Estate. The CC&R's shall provide at a minimum the following provisions:

If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.

j. If a drainage basin is required, on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.

k. Maintenance of all streets/roads within the subdivision in perpetuity.

l. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

m. The developer shall form a property owners' association for the area within the subdivision, so as to administer the CC&Rs as noted above, and it shall conform to the requirements of the State Department of Real Estate.

n. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.

o. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.

p. An agricultural buffer prohibiting residential structures, 500 feet from the western property line (at the bottom of the mesa) of Parcel 3. No structures used for human habitation shall be constructed in the buffer area. The agricultural buffer shall no longer be in effect if the adjacent agricultural use is discontinued and the adjacent property is no longer in the Agriculture land use category. Such a determination shall be made in consultation with the Agricultural department. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.

**Open Space Easement/Agreement**

30. **Prior to recordation of the final map**, the subdivider shall enter into an open space easement/agreement on a form approved by County Counsel to protect the bluff face of Parcel 3.

**Miscellaneous**

31. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

32. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from the date a time extension request may be acted on.